

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GRAMERCY ADVISORS, LLC,)
)
Plaintiff,)
)
v.)
) Case No. 07-CV-2809
CARLETON A. JONES, III and)
JOHN A. JONES,) Judge McKenna
) Magistrate Judge Peck
Defendants,)
)

MOTION TO DISMISS, STAY OR TRANSFER

Defendants, John A. Jones and Carleton A. Jones, III [“Messrs. Jones”], move the Court to dismiss or stay this case. In the alternative, Messrs. Jones move the Court to transfer this case to the Middle District of Tennessee pursuant to 28 U.S.C. §1404(a).

1. This case involves the same issues as *Jones v. BDO Seidman, LLP and Gramercy Advisors, LLC* which was earlier filed in the United States District Court for the Middle District of Tennessee (Docket #3:06-CV-1115) [“the Tennessee Case”].
2. The Tennessee Case was filed on November 20, 2006.
3. On March 27, 2007, Messrs. Jones filed an Amended Complaint which *inter alia* added Gramercy as a Defendant in the Tennessee Case.
4. On March 29, 2007, Gramercy was served with process and a copy of the Amended Complaint.
5. On April 9, 2007, Gramercy filed this case against Messrs. Jones.